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**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of California-American Water Company (U 210 W) for an order authorizing it to increase its rates for water service in its Monterey District to increase revenues by \$9,456,100 or 32.88% in the year 2006; \$1,894,100 or 4.95% in the year 2007; and \$1,574,600 or 3.92% in the year 2008; and for an order authorizing sixteen Special Requests with revenue requirements of \$3,815,900 in the year 2006, \$5,622,300 in the year 2007, and \$8,720,500 in the year 2008; the total increase in rates for water service combined with the sixteen Special Requests could increase revenues by \$13,272,000 or 46.16% in the year 2006; 7,516,400 or 17.86% in the year 2007; and \$10,295,100 or 20.73% in the year 2008

Application 05-02-012  
(Filed February 16, 2005)

In the Matter of the Application of California-American Water Company (U 210 W) for Authorization to Increase its Rates for Water Service in its Felton District to increase revenues by \$796,400 or 105.2% in the year 2006; \$53,600 or 3.44% in the year 2007; and \$16,600 or 1.03% in the year 2008; and for an order authorizing two Special Requests

Application 05-02-013  
(Filed February 16, 2005)

**REQUEST OF THE  
FELTON FRIENDS OF LOCALLY OWNED WATER  
FOR AWARD OF INTERVENOR COMPENSATION**

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January 29, 2007

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OF THE STATE OF CALIFORNIA**

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**REQUEST OF THE  
FELTON FRIENDS OF LOCALLY OWNED WATER FOR AWARD  
OF INTERVENOR COMPENSATION**

Pursuant to Public Utilities Code §1801 *et seq.* and Article 17 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure, the Felton Friends of Locally Owned Water (“Felton FLOW”) respectfully submits this request for intervenor compensation for its participation in the application of California-American Water Company (“Cal-Am”) to increase rates in its Felton and Monterey Districts and contribution to D.06-11-050 issued on November 30, 2006.<sup>1</sup>

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<sup>1</sup> This request is being filed within 60 days of the date of issuance of D.06-11-050, as required by Pub. Util. Code § 1804(c), and therefore is timely.

## **I. BACKGROUND AND SUMMARY**

In this consolidated general rate case proceeding, Cal-Am initially requested authority to increase rates in its Monterey District in 2006 by \$9,456,100, or 32.88%, and in its Felton District by \$796,400, or 105.2%. Cal-Am also requested additional increases in both districts for 2007 and 2008. Felton FLOW intervened in the proceeding on behalf of residents of Felton and opposed Cal-Am's requested increases.

On May 5, 2005, Felton FLOW filed a Notice of Intent to Claim Intervenor Compensation. On July 6, 2005, over Cal-Am's objection, the Commission found that Felton FLOW met the filing requirements of Pub. Util. Code §§ 1804(a) and (b) and is eligible for intervenor compensation.<sup>2</sup>

Felton FLOW participated actively throughout the proceeding and focused its participation on issues pertaining primarily to the Felton District, but also raised several issues that affected rates in Monterey, as well. Felton FLOW opposed the increases requested by Cal-Am in its applications and also the Settlement Agreement later entered into by Cal-Am and Office of Ratepayers Advocates ("ORA"). Felton FLOW did so on numerous grounds, including the following: (1) the Cal-Am/ORA Settlement Agreement does not command the support of parties that fairly represent the different affected interests and is not in the public interest;<sup>3</sup> (2) the cost of capital requested by Cal-Am is excessive since current financial market conditions are atypical and do not conform to the financial models employed by Cal-Am and ORA;<sup>4</sup> (3) there is no justification for including any "leverage" adjustment in the return on equity for either the

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<sup>2</sup> *Administrative Law Judge's Ruling Finding Felton Friends of Locally Owned Water and Public Citizen Eligible To Claim Intervenor Compensation* (July 6, 2005).

<sup>3</sup> See Comments of Felton Friends of Locally Owned Water on Settlement Agreement at 2, and Felton FLOW Opening Brief at 4.

<sup>4</sup> See Felton FLOW Opening Brief at 11-13.

Monterey or Felton Districts since one of the benefits RWE claimed when it sought Commission approval to acquire and merge with American Water Works (“AWW”) was a lower cost of capital as a result of the more leveraged capital structure Cal-Am now has;<sup>5</sup> (4) the Operation and Maintenance (“O&M”), Administrative and General (“A&G”) and General Office expenses claimed by Cal-Am are excessive since they include excessive and imprudent costs incurred on the Highway 9 main replacement project, expenses related to political lobbying that should not be included in rates, and Cal-Am provided insufficient justification for its escalation in such expenses over prior years;<sup>6</sup> (5) Cal-Am should not be permitted to recover the costs of the independent compliance audit ordered by the Commission since this audit was necessitated by errors and inconsistencies in Cal-Am’s application and testimony;<sup>7</sup> (6) Cal-Am has provided inadequate customer service in Felton and the Commission should hold Cal-Am accountable for these deficiencies;<sup>8</sup> (7) the Settlement Agreement would result in significant rate shock in Felton and the Commission should adopt measures to mitigate it;<sup>9</sup> (8) public acquisition is a superior means of addressing the concerns of Felton residents regarding high rates and rate shock and the Commission should facilitate this remedy by ordering the divestiture of the Felton District to a public agency with access to tax exempt financing;<sup>10</sup> and (9) pending a possible public acquisition, the Commission should prohibit Cal-Am from investing in additional capital projects,

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<sup>5</sup> See Felton FLOW Opening Brief at 22-24.

<sup>6</sup> *Id.* at 6-9, 11-13 and 9-11.

<sup>7</sup> *Id.* at 6.

<sup>8</sup> *Id.* at 14-16.

<sup>9</sup> *Id.* at 27.

<sup>10</sup> *Id.* at 28-29.

such as the Bull Creek Project, that are unnecessary at this time and may serve to unnecessarily increase the cost to the public of acquiring the Felton District.<sup>11</sup>

Felton FLOW undertook the lead role advocating many of these issues on behalf of ratepayers since Cal-Am and ORA resolved many of their differences through settlement prior to hearings. In addition to filing a protest to Cal-Am's application, Felton FLOW filed and presented prepared testimony by numerous witnesses on rate, cost of capital and service issues,<sup>12</sup> filed opening and reply briefs;<sup>13</sup> and comments and reply comments on Administrative Law Judge Walwyn's Proposed Decision.<sup>14</sup>

In D.06-11-050, the Commission rejected the Settlement Agreement between Cal-Am and ORA concerning the Felton District and adopted a number of revisions either advocated by Felton FLOW or addressing issues raised by Felton FLOW concerning the Felton District and to a lesser degree the Monterey District. In comments at its business meeting of November 30, 2006, prior to the Commission's vote to approve D.06-11-050, Commissioner Bohn specifically noted that the decision "adopted many of the reductions advocated by Felton FLOW."<sup>15</sup> Among other revisions, the Commission: (1) rejected Cal-Am's request for a "leverage" adjustment to

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<sup>11</sup> *Id.* at 13-14.

<sup>12</sup> See Prepared Testimony of James F. Mosher on Behalf of Felton FLOW; Prepared Testimony of Lisa Meyer on Behalf of Felton FLOW; Prepared Testimony of Gary Bonafante on Behalf of Felton FLOW; Prepared Testimony of Bryan Largay on Behalf of Felton FLOW; Prepared Testimony of Michael Rugg on Behalf of Felton FLOW; Prepared Testimony of Tom Lindsay on Behalf of Felton FLOW; Prepared Testimony of Betty Lindstrom-Latshaw on Behalf of Felton FLOW; Prepared Testimony of Chris McVicar on Behalf of Felton FLOW; Prepared Testimony of Judy Osborn on Behalf of Felton FLOW; Prepared Testimony of Dianna Renner on Behalf of Felton FLOW; Prepared Testimony of Maria Lindsay on Behalf of Felton FLOW; and Prepared Testimony of Alexis Krostue on Behalf of Felton FLOW.

<sup>13</sup> Felton FLOW Opening Brief (October 11, 2005), and Felton FLOW Reply Brief (October 18, 2005).

<sup>14</sup> Comments of Felton FLOW (October 26, 2006), and Reply Comments of Felton FLOW (October 31, 2006).

<sup>15</sup> Comments of Commissioner Bohn regarding Agenda item 48, CPUC Business Meeting

the authorized return on equity for the Monterey and Felton Districts, as Felton FLOW urged; (2) found the costs incurred by Cal-Am on the Highway 9 main replacement project excessive and excluded an additional \$50,000 from rates, as Felton FLOW advocated;<sup>16</sup> (3) found that Cal-Am improperly included political lobbying expenses in its O&M, A&G and General Office expenses and reduced employee related costs in these accounts by 5%, as Felton FLOW recommended;<sup>17</sup> (4) found significant problems with customer service, as Felton FLOW claimed, and ordered additional tracking and reporting regarding customer service issues;<sup>18</sup> (5) found that Cal-Am's A&G expenses have increased significantly since 2003 without sufficient justification, similar to Felton FLOW's claims, and reduced the amount included in rates for A&G;<sup>19</sup> (6) found that Cal-Am failed to sufficiently explain its General Office expenses, as Felton FLOW pointed out, and ordered that additional information in justification of these expenses be provided in Cal-Am's next general rate case;<sup>20</sup> (7) found that Cal-Am's justification for including in rates an acquisition premium for AWW's acquisition of Citizens' facilities "weak," as Felton FLOW argued, and ordered that additional justification be provided in Cal-Am's next general rate case;<sup>21</sup> (8) found that additional investment by Cal-Am in capital projects in the Felton District may unnecessarily increase the cost to the public of acquiring the Felton District facilities and prohibited Cal-Am from investing in additional capital projects without prior review by the Commission, as Felton

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(November 30, 2006).

<sup>16</sup> *Id.* at 79-80.

<sup>17</sup> *Id.* at 3, 71-73 and 77.

<sup>18</sup> *Id.* at 35-36, 70, and 81-83.

<sup>19</sup> *Id.* at 75-76.

<sup>20</sup> *Id.* at 92.

<sup>21</sup> *Id.* at 95-96.

FLOW advocated;<sup>22</sup> and (9) found that, even with the reductions in revenue requirement ordered by the Commission, its decision would result in rate shock in the Felton District and agreed with Felton FLOW that measures should be adopted to mitigate such rate shock.<sup>23</sup> In addition to these changes, the Commission also noted that Cal-Am previously made several concessions to address concerns raised by Felton FLOW, including: (10) agreeing to defer further work on the Bull Creek project, as advocated by Felton FLOW;<sup>24</sup> and (11) agreeing to forgo recovery of \$100,000 in costs incurred to complete the compliance audit ordered by the Commission as a result of errors and inconsistencies in Cal-Am's application and testimony.<sup>25</sup> The Commission rejected Felton FLOW's request for an order requiring Cal-Am to divest the Felton District, but did offer to assist the parties in resolving issues concerning the future of the Felton District through the Commission's alternative dispute resolution process and encouraged the parties to use this process.<sup>26</sup>

With additional adjustments adopted by the Commission to Cal-Am's revenue requirement, the Commission's final decision authorized an increase for 2006 in Monterey District rates of 10.29% and Felton District rates of 20.87%, considerably less than Cal-Am had requested in its applications.<sup>27</sup>

## **II. REQUIREMENTS FOR AN AWARD OF INTERVENOR COMPENSATION**

The Commission may award compensation for participation in Commission proceedings under Pub. Util. Code §§ 1801-1812, if the intervenor makes a substantial contribution to the

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<sup>22</sup> *Id.* at 3 and 88.

<sup>23</sup> *Id.* at 88-90.

<sup>24</sup> *Id.* at 81 and 88.

<sup>25</sup> *Id.* n.87 at 75.

<sup>26</sup> *Id.* at 3 and 88.

<sup>27</sup> *Id.* at 2.

proceeding. All of the following procedures and criteria must be satisfied for an intervenor to obtain a compensation award:

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the prehearing conference (PHC), or in special circumstances, at other appropriate times the Commission may specify. (§ 1804(a).)
2. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to Commission jurisdiction. (§ 1802(b).)
3. The intervenor should file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
4. The intervenor must demonstrate “significant financial hardship.” (§§ 1802(g), 1804(b)(1).)
5. The intervenor’s presentation must have made a “substantial contribution” to the proceeding. (§§ 1802(h), 1803(a).)
6. The claimed fees and costs must be comparable to the market rates paid to experts and advocates having comparable training and experience and offering similar services. (§ 1806.)

In evaluating whether an intervenor has made a “substantial contribution” within the meaning of Pub. Util. Code § 1802(h), the Commission looks first at whether the ALJ or Commission adopted one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the intervenor.<sup>28</sup> Evidence or argument that contributes to part of a decision is sufficient to support a finding of substantial contribution even though the Commission may not adopt a party’s position in total.<sup>29</sup> If an intervenor’s participation, contentions, or recommendations paralleled those of other parties, the Commission

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<sup>28</sup> See generally, *Re Application of Southern California Edison Co. for Approval of Power Purchase Agreement*, D.04-05-050, 2004 Cal. PUC LEXIS 272 at Lexis\*7-\*8 (2004).

<sup>29</sup> *Re Application of Pacific Gas and Electric Co.*, D.00-09-068, 2000 Cal. PUC LEXIS 824 at Lexis \*6-\*7 (2000).



may still award compensation if the intervenor's participation materially supplements, complements, or contributes to the presentations of the other parties or to the development of a fuller record that assists the Commission in making its decision.<sup>30</sup>

The assessment of whether an intervenor has made a substantial contribution requires an exercise of judgment by the Commission.<sup>31</sup> Even where the Commission does not adopt any of an intervenor's recommendations, compensation may be awarded if, in the judgment of the Commission, the customer's participation substantially contributed to the decision or order.<sup>32</sup> Compensation may be awarded, for example, if the Commission benefited from the intervenor's analysis and discussion.<sup>33</sup>

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<sup>30</sup> See Pub. Util. Code §§ 1802(h) and 1802.5. An intervenor's contribution need not be unique to qualify for compensation. In *Re Application of Southern California Edison Co. for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs*, D.01-11-047, 2001 Cal. PUC LEXIS 1153 (2001) the Commission awarded compensation to Aglet despite the fact that many of Aglet's recommendations were similar to those of TURN. In doing so the Commission stated, "[w]e agree with Aglet that the standard of substantial contribution under §1802 does not require a unique contribution by a customer ... Participation by a customer that materially supplements, complements, or contributes to the presentation of another party may be fully eligible for compensation." *Id.* at Lexis \*14-\*15. See also *Re Application of Pacific Gas and Electric Co. Proposing Market Structure for Northern California Natural Gas Industry*, D.04-05-048, 2004 Cal. PUC LEXIS 259 (2004) in which the Commission awarded TURN compensation notwithstanding the fact that several of its policy positions "were identical to those of other parties." *Id.* at Lexis \*18.

<sup>31</sup> *Re OIR on the Commission's Intervenor Compensation Program*, D.98-04-059, 1998 Cal. PUC LEXIS 429 at Lexis \*67-\*68 (1998).

<sup>32</sup> See *Re Application of Southern California Edison Co. for Approval of Power Purchase Agreement*, D.04-05-050, 2004 Cal. PUC LEXIS 272 at Lexis\*8 (2004). The Commission has found parties to have made a substantial contribution even though their specific recommendations were rejected. In *Re Application of Pacific Gas and Electric Co. to Establish a Rate Adjustment Procedure for Diablo Canyon Nuclear Power Plant*, D.89-03-063, 1989 Cal. PUC LEXIS 195 (1989), the Commission awarded intervenor compensation to San Luis Obispo Mothers for Peace and Rochelle Becker in the Diablo Canyon Rate Case proceeding on the grounds that while their arguments were ultimately unsuccessful, they forced PG&E to thoroughly address safety issues. Similarly, in *Re Southern California Edison Co. to Adopt a Revenue Sharing Mechanism*, D.00-02-008, 2000 Cal. PUC LEXIS 90 (2000) the Commission awarded TURN compensation for unsuccessfully opposing adoption of a settlement agreement. *Id.* at Lexis \*6-\*11, \*15.

<sup>33</sup> See *Re Application of Southern California Edison Co. to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs*, D.01-11-047, 2001 Cal. PUC LEXIS 1153 at Lexis\*11 (2001). "It is not necessary that the intervenor's suggestions be adopted, the key is that the intervenor's presentation substantially helped the Commission in the making of its order or decision." *Re*

Where an intervenor has been found to have made a substantial contribution, the Commission may award compensation for all of the intervenor's attorney's fees, expert fees, and other reasonable costs of participating in the proceeding irrespective of whether the intervenor's recommendations have been adopted.<sup>34</sup>

In D.98-04-059, the Commission also directed intervenors filing compensation requests to demonstrate that their participation was "productive" and to do so, to the extent possible, by showing that the costs of participation bear a reasonable relationship to the reasonable dollar value of the benefits ratepayers realize through such participation.<sup>35</sup> The Commission has recognized, however, that in many proceedings it can be difficult to assign specific ratepayer benefits. In such circumstances, where the benefits of intervention are intangible, the Commission has required intervenors to "present information sufficient to justify a Commission finding that the overall benefits of a customer's participation will exceed a customer's costs"<sup>36</sup> and has awarded compensation without any assignment of specific ratepayer savings.<sup>37</sup>

### **III. FELTON FLOW MADE A SUBSTANTIAL CONTRIBUTION**

The Commission previously found that Felton FLOW has met the NOI filing requirements of Pub. Util. Code §§ 1804(a) and (b), has demonstrated financial hardship and is

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*Application of Pacific Gas and Electric Co.*, D.96-10-072, 1996 Cal. PUC LEXIS 1052 at Lexis\*7 (1996). In *OIR to Establish Policies and Cost Recovery Mechanisms for Generation Procurement*, D.04-08-042, 2004 Cal. PUC LEXIS 428 (2004) for example, the Commission awarded compensation to NRDC for its participation on issues where the Commission did not adopt its recommendations because the Commission "benefited from its analysis and discussion." *Id.* at Lexis \*20.

<sup>34</sup> The plain language of the intervenor compensation statute provides that full compensation may be warranted even where less than full success is achieved by the intervenor. See Pub. Util. Code § 1802(h) and §1803.

<sup>35</sup> D.98-04-059, at Lexis \*56-\*57.

<sup>36</sup> *Id.* at Lexis \*57.

<sup>37</sup> In, *Re OIR into Distributed Generation*, D.01-11-023, 2001 Cal. PUC LEXIS 1047 (2001), for example, the Commission awarded compensation to Aglet for its participation without any demonstration of specific ratepayer savings because the Commission found that ratepayers benefited from Aglet's

eligible for intervenor compensation.<sup>38</sup> There is also no doubt that Felton FLOW made a significant contribution to D.06-11-050. Felton FLOW was the only party that represented local Felton District ratepayers in this proceeding and participated actively throughout the proceeding. In doing so, Felton FLOW served a key role of facilitating participation by members of the Felton community in public participation hearings and evidentiary hearings, as well as providing substantive testimony on a number of issues pertaining to cost of service and cost of capital issues. In addition and more importantly, the Commission adopted a number of Felton FLOW's specific recommendations as well as numerous changes to the Cal-Am/ORR Settlement Agreement to address issues and concerns raised by Felton FLOW. Both the text of the Commission's decision and the comments of Commission Bohn at the Commission's business meeting of November 30, 2006, confirm that Felton FLOW's contribution to this proceeding was significant.

Felton FLOW made a significant contribution through Commission adoption of its recommendations and adoption of alternative approaches for addressing issues raised by Felton FLOW in each of the following areas:

1. The Commission's rejection of Cal-Am's request for a leverage adjustment to the authorized return on equity for the Monterey and Felton Districts;<sup>39</sup>
2. The Commission's finding that the costs incurred by Cal-Am on the Highway 9 main replacement project were excessive and its exclusion of \$50,000 in such costs from rates;<sup>40</sup>

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contribution to the proceeding.

<sup>38</sup> *Administrative Law Judge's Ruling Finding Felton Friends of Locally Owned Water and Public Citizen Eligible To Claim Intervenor Compensation* (July 6, 2005).

<sup>39</sup> D.06-11-050 at 18-19.

<sup>40</sup> *Id.* at 79-80.

3. The Commission's finding that Cal-Am improperly included political lobbying expenses in its O&M, A&G and General Office expenses and its reduction of employee related costs in these accounts by 5%;<sup>41</sup>
4. The Commission's finding that significant problems exist with Cal-Am's customer service, and order of additional tracking and reporting regarding customer service issues;<sup>42</sup>
5. The Commission's finding that Cal-Am's A&G expenses have increased significantly since 2003 without sufficient justification and reduction in A&G expenses included in rates;<sup>43</sup>
6. The Commission's finding that Cal-Am failed to sufficiently explain its General Office expenses and its order that additional information in justification of these expenses be provided in Cal-Am's next general rate case;<sup>44</sup>
7. The Commission's finding that Cal-Am's justification for including in rates an acquisition premium for AWW's acquisition of Citizens' facilities was "weak" and its order that additional justification be provided in Cal-Am's next general rate case;<sup>45</sup>
8. The Commission's finding that additional investment by Cal-Am in capital projects in the Felton District may unnecessarily increase the cost to the public of acquiring the Felton District facilities and its order prohibiting Cal-Am from investing in additional capital projects in the Felton District without prior review by the Commission through an advice letter filing;<sup>46</sup> and
9. The Commission's finding that even with the reductions in revenue requirement ordered by the Commission, absent mitigation, the Commission's decision would result in rate shock in the Felton District and its order deferring of a portion of the increase for one year in order to mitigate rate shock.<sup>47</sup>

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<sup>41</sup> *Id.* at 3, 71-73 and 77.

<sup>42</sup> *Id.* at 35-36, 70, and 81-83.

<sup>43</sup> *Id.* at 75-76.

<sup>44</sup> *Id.* at 92.

<sup>45</sup> *Id.* at 95-96.

<sup>46</sup> *Id.* at 3 and 88.

<sup>47</sup> *Id.* at 88-90.

Felton FLOW's participation in this proceeding also contributed to the following additional concessions made by Cal-Am during the course of the proceeding and reflected in the Commission's decision:

1. Its agreement to defer further work on the Bull Creek project, as advocated by Felton FLOW;<sup>48</sup> and
2. Its agreement to forgo recovery of \$100,000 in costs incurred to complete the compliance audit ordered by the Commission as a result of errors and inconsistencies in Cal-Am's application and testimony.<sup>49</sup>

Finally, Felton FLOW provided testimony and advocacy on cost of capital issues that assisted the Commission in understanding the atypical financial market conditions that have prevailed over the past two years. Felton FLOW demonstrated that long-term interest rates have not tracked changes in short-term interest rates during this period and that the normal acquisition premium assumed in financial models and typically required by financial markets for longer term investments has not applied during this period.<sup>50</sup> The Commission did not adopt Felton FLOW's recommended return on equity, but by providing this information and evidence, Felton FLOW assisted the Commission in developing a full record regarding the issues pertinent to return on equity and contributed to the Commission's decision to adopt returns on equity for the Monterey and Felton Districts at the lower end of the range found reasonable by the Commission.<sup>51</sup>

#### **IV. ITEMIZATION OF SERVICES AND EXPENDITURES**

##### **A. Summary**

Felton FLOW is requesting total compensation in the amount of \$68,894.95, including \$68,588.20 for professional fees and \$306.75 for costs. This amount is considerably less than

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<sup>48</sup> *Id.* at 81 and 88.

<sup>49</sup> *Id.* n.87 at 75.

<sup>50</sup> *Id.* at 17.

<sup>51</sup> *Id.* at 14-20 generally, and 19.

the actual fees and cost incurred by Felton FLOW in participating in this proceeding. There are several reasons for this.

First, Felton FLOW is not requesting any compensation for the considerable time and expense incurred by its members in participating in this proceeding. Numerous members of Felton FLOW devoted a significant time to conducting interviews with ratepayers, organizing public participation at public participation hearings, reviewing financial records and other documents, and drafting written prepared testimony. Felton FLOW members obtained and analyzed documents from CalTrans relevant to the Highway 9 main project, for example, interviewed CalTrans and local officials concerning the project, prepared summaries of findings, and drafted prepared testimony on this issue that was delivered at evidentiary hearings. Felton FLOW members also attended and testified at Commission hearings many of which occurred in San Francisco, requiring three hours of driving and, in many cases, requiring them to take leave from work. Felton FLOW is not requesting any compensation for any of this time or for the expenses incurred by Felton FLOW members in participating in the proceeding.

Second, Felton FLOW is only requesting compensation for a portion of the professional fees and expenses incurred by its outside counsel in representing Felton FLOW in this matter. Felton FLOW has voluntarily reduced the amount it is requesting in light of the fact that the economic savings to ratepayers achieved as a result of its participation in this proceeding are not as significant as it hoped to achieve. As a result, Felton FLOW has voluntarily reduced its request for compensation by reducing the compensation it is requesting for professional fees for work on Category 4 – Customer Service by 50% and on Category 6 – Public Acquisition by 50%. As a result of these voluntary reductions, Felton FLOW's request for compensation for professional fees is \$12,187.40 less than the cost actually incurred. Felton FLOW believes that

with this reduction, the amount of its request is reasonable and appropriate considering its overall contribution, both economic and noneconomic, to the Commission's decision.

A detailed breakdown of the time devoted to this proceeding by Felton FLOW's attorneys and paralegal is provided in Appendix A. A breakdown allocating work activities and professional time by issue is provided in Appendix B. The voluntary reductions made by Felton FLOW in the compensation requested for work on Category 4 and Category 6, as noted above, is reflected on last page of Appendix B. The costs incurred for postage, copying, travel and other reimbursable expenses are summarized in Appendix C.

## **B. Allocation Of Time**

The Commission requires intervenors to allocate their time by specific issue to the extent feasible. Felton FLOW has done so and the results of this allocation are reflected in the table attached as Appendix B. Felton FLOW prepared this allocation by initially allocating all time entries for participation in this proceeding to one or more of the following issue categories:

- Category 1 – Cal-Am/ORR Settlement
- Category 2 – Cost of Capital
- Category 3 – O&M, A&G, and General Office Expenses
- Category 4 – Customer Service
- Category 5 – Rate Shock
- Category 6 – Public Acquisition of the Felton District
- Category 7 – Travel
- Category 8 – Intervenor Compensation
- Category 9 – Time Spent on Multiple Substantive Issues

In some instances, these categories include several related issues. For example, Category 2 – Cost of Capital, includes work related to return on equity generally and Felton FLOW's opposition to Cal-Am's request for a "leverage" adjustment to its authorized return on equity. Similarly, Category 3 – O&M, A&G, and General Office Expenses, includes work related to the Highway 9 main replacement project, Cal-Am's political lobbying expenses, and the costs incurred by Cal-Am to complete the Commission ordered compliance audit. Category 5 – Rate

Shock, includes work related to both demonstrating that rate shock is an issue that must be addressed by the Commission as well as certain of the remedial measures recommended by Felton FLOW to mitigate rate shock, including disallowing recovery of the Citizens acquisition premium. And, Category 6 – Public Acquisition of the Felton District, includes work related to advocating that the Commission take action to facilitate a public acquisition of the Felton District, including Felton FLOW’s recommendations that the Commission prohibit Cal-Am from investing in additional capital projects, such as the Bull Creek project, that are not necessary at this time, pending a possible public acquisition.

Following this initial allocation, Felton FLOW allocated time entries related to multiple substantive issues by using allocation factors derived from a review of its overall participation, including work activities and time spent preparing for hearings, drafting prepared testimony, participating in evidentiary hearings, preparing briefs and other pleadings, and coordinating participation in the case generally. The allocations factors Felton FLOW determined appropriate for this purpose are as follows:

10%	Category 1 – Cal-Am/ORR Settlement
15%	Category 2 – Cost of Capital
30%	Category 3 – O&M, A&G, and General Office Expenses
20%	Category 4 – Customer Service
10%	Category 5 – Rate Shock
15%	Category 6 – Public Acquisition of the Felton District

These percentages reflect the relative level of effort devoted by Felton FLOW’s attorneys and paralegal to the different substantive issues rather than the relative level of effort of Felton FLOW members since Felton FLOW is requesting compensation only for the time and expenses of its outside attorneys and paralegal and is not seeking compensation for the time or expenses devoted by its members to participation in the proceeding. The Commission has approved this method of allocating time devoted to work tasks that relate to multiple substantive issues in prior



proceedings<sup>52</sup> and Felton FLOW believes that it is a reasonable approach to use in this proceeding as well given the number and nature of different issues addressed by Felton FLOW in the proceeding.

Felton FLOW is requesting compensation for time spent on substantive issues at the full requested hourly rate for each attorney and paralegal. Time spent on travel and intervenor compensation is included in Felton FLOW's request at one half the otherwise applicable hourly rate.<sup>53</sup>

### **C. Hourly Rates Requested**

Felton FLOW is seeking compensation for the work of three attorneys, Edward O'Neill, Jeffrey Gray and Chris Hilen, and one paralegal, Judy Pau. The Commission has previously approved rates for intervenor compensation for all of these individuals.

The Commission previously approved an hourly rate of \$470 for work in 2004 for Mr. O'Neill.<sup>54</sup> Felton FLOW requests this same hourly rate for Mr. O'Neill for 2005 and a 3% increase to \$485 for 2006, in accordance with D.07-01-009.<sup>55</sup>

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<sup>52</sup> See D.06-04-018 at 31-32 and D.03-05-065 at 16-18.

<sup>53</sup> D.02-11-019.

<sup>54</sup> D.06-04-018 at 38-39.

<sup>55</sup> Hourly rates were also previously approved by the Commission for Mr. O'Neill and Ms. Pau in conjunction with the assistance they provided to 280 CCC in R.04-08-020 during 2004, 2005 and 2006. 280 CCC requested no increase in the hourly rates for this work over the rates previously approved by the Commission in D.04-08-025 for Mr. O'Neill and Ms. Pau for work in 2003. As a result, in granting intervenor compensation to 280 CCC in D.06-08-019, the Commission maintained the same rate previously approved for Mr. O'Neill and Ms. Pau for 2003. In D.06-04-018, the Commission approved a higher rate for both Mr. O'Neill and Ms. Pau for 2004. Felton FLOW is requesting the higher rate authorized in D.06-04-018 be approved for the work of Mr. O'Neill and Ms. Pau on behalf of Felton FLOW in this proceeding for 2005 and is requesting a 3% cost of living adjustment in this rate for work in 2006, as authorized by D.07-01-009.

The Commission previously approved an hourly rate of \$310 for work in 2004 for Mr. Gray.<sup>56</sup> Felton FLOW requests this same hourly rate for Mr. Gray for 2005 and a 3% increase to \$320 for 2006, in accordance with D.07-01-009.

The Commission previously approved an hourly rate of \$315 for work in 2004 for Mr. Hilen.<sup>57</sup> Felton FLOW requests this same hourly rate for Mr. Hilen for 2005 and a 3% increase to \$325 for 2006, in accordance with D.07-01-009.

The Commission previously approved an hourly rate of \$145 for work in 2004 for Ms. Pau.<sup>58</sup> Felton FLOW requests this same hourly rate for Ms. Pau for 2005 and a 3% increase to \$150 for 2006, in accordance with D.07-01-009.<sup>59</sup>

#### **D. Expenses**

The total expenses incurred by Felton FLOW's outside counsel for this proceeding amount to \$306.75 and are itemized in Appendix C. This represents actual out of pocket costs to the extent such costs have been determined. Felton FLOW is not requesting any compensation for the expenses incurred by its members in participating in this proceeding.

#### **V. FELTON FLOW'S PARTICIPATION WAS PRODUCTIVE AND PROVIDED BENEFITS FOR RATEPAYERS**

The Commission has recognized that it can be difficult, if not impossible, to assign specific ratepayer benefits to the contribution of intervenors in proceedings involving other than purely economic issues.<sup>60</sup> As a result, it has required intervenors to quantify specific monetary benefits to the extent reasonably possible, but generally has not required that net economic

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<sup>56</sup> D.06-04-018 at 39.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.* at 39-40.

<sup>59</sup> Each of the hourly rate increases for 2006 has been rounded up to the nearest dollar.

<sup>60</sup> *See* D.01-11-023.

benefits be demonstrated in order for the Commission to find participation by intervenors to be “productive” within the meaning of D.98-04-059.<sup>61</sup> Felton FLOW’s participation in this proceeding provided both economic and non-economic benefits for ratepayers in both the Felton and Monterey Districts.

Felton FLOW’s participation contributed to the following quantifiable economic benefits: (1) rejection of Cal-Am’s request for a 50 basis point “leverage adjustment” to the return on equity for the Felton and Monterey Districts, which Felton FLOW estimates represents savings to ratepayers of approximately \$145,000 in the Monterey District and approximately \$6,000 in the Felton District; (2) a reduction of \$50,000 in the amount included in Felton District rates for the Highway 9 main replacement project; (3) 5% reductions in employee related O&M, A&G and General Office expenses included in Felton District rates which, according to the comments of Commissioner Bohn, results in a reduction of approximately \$14,000 in Felton District payroll costs; (4) additional reductions of \$91,000 in A&G expenses as a result of Cal-Am’s failure to adequately explain the increase over 2003 actual A&G expenses; and (5) Cal-Am’s agreement to forgo recovery from ratepayers of \$100,000 in costs incurred to complete the compliance audit ordered by the Commission.

In addition to these quantifiable economic benefits, Felton FLOW’s participation also contributed to the following economic and non-economic benefits that cannot be easily quantified: (1) the Commission’s finding that Cal-Am has significant customer service problems and order requiring additional tracking and reporting regarding customer service; (2) the Commission’s order that General Office expenses were not adequately explained and requiring additional information concerning these expenses in Cal-Am’s next general rate case; (3) the

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<sup>61</sup> D.02-11-024, at Lexis \*15.

Commission's finding that Cal-Am's justification for including an acquisition adjustment for the Citizens' acquisition was "weak" and order requiring additional justification in Cal-Am's next general rate case; (4) the Commission's finding that additional investment by Cal-Am in capital projects in the Felton District may unnecessarily increase the cost to the public of a public acquisition and requiring Cal-Am to file an advice letter with the Commission prior to undertaking any additional capital projects; (5) Cal-Am's agreement to defer further work on the Bull Creek project pending a possible public acquisition; and (6) the Commission's deferral of a portion of the rate increase in Felton to mitigate rate shock.

In light of the results achieved in whole or in part as a result of Felton FLOW's participation in this proceeding, and the fact that the overall benefit of Felton Flow's participation exceeded its costs, Felton Flow's participation was clearly "productive" within the meaning of D.98-04-059.

## **VI. CONCLUSION**

For the reasons stated herein, Felton FLOW respectfully requests that the Commission award intervenor compensation for its participation in this proceeding as set forth herein.

Respectfully submitted,

By /s/ Edward O'Neill  
Edward W. O'Neill  
DAVIS WRIGHT TREMAINE LLP  
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San Francisco, California 94111  
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Fax. (415) 276-6599  
Attorneys for Felton FLOW

Dated: January 29, 2007

**APPENDIX A**

**SUMMARY OF PROFESSIONAL TIME**

**APPENDIX A - SUMMARY OF PROFESSIONAL TIME**

**Felton Flow Compensation Request  
A.05-02-012, et al  
Davis Wright Tremaine LLP  
Totals by Attorneys by Hours**

<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Cat.</b>	<b>Description</b>
3/21/2005	Judy Pau	0.1	9	Research new protest due dates regarding CalAM's new General Rate Case applications
4/4/2005	Edward W. O'Neill	0.8	9	Edit, format and file Protest to Cal-Am general rate case application re Felton District
4/4/2005	Judy Pau	1.0	9	Assist with filing and serving PROTEST OF THE FELTON FRIENDS OF LOCALLY OWNED WATER regarding CalAM General Rate Case A.05-02-013
4/5/2005	Edward W. O'Neill	0.4	7	TRAVEL Travel to and return from CPUC for prehearing conference
4/5/2005	Edward W. O'Neill	1.3	9	Attend and participate in prehearing conference discussion with T. Landis et al re results of prehearing conference and additional follow up required for Felton FLOW participation in matter
4/11/2005	Edward W. O'Neill	0.5	9	Receive and preliminarily review discovery requests and responses
4/13/2005	Edward W. O'Neill	0.2	9	E-mail from and reply to T. Landis re rate case proceeding
4/15/2005	Edward W. O'Neill	0.2	9	Receive and preliminarily review discovery requests and responses
4/16/2005	Edward W. O'Neill	0.2	9	Receive and review Cal-Am April 15 Compliance
4/18/2005	Edward W. O'Neill	0.4	9	Receive and review Cal-Am corrected testimony
4/19/2005	Edward W. O'Neill	0.5	9	E-mail to T. Landis, J. Mosher regarding status of proceeding, protest filed, results of PHC, schedule adopted for proceeding et al
4/20/2005	Edward W. O'Neill	0.2	9	Receive and preliminarily review discovery requests and responses (timer prorated)
4/22/2005	Edward W. O'Neill	0.5	9	Conference call with T. Landis and J. Mosher regarding status of GRC and plans for Felton FLOW further participation, motion to defer unnecessary capital expenditures, monitoring and follow up on discovery et al
4/29/2005	Edward W. O'Neill	0.2	3	Receive and review Cal-Am compliance filing from Deloitte & Touche

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Davis Wright Tremaine LLP  
Totals by Attorneys by Hours**

<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Cat.</b>	<b>Description</b>
5/2/2005	Edward W. O'Neill	0.1	9	Receive e-mails from Cal-Am with attached pdf files containing follow up to April 29, 2005 Compliance filing, including "Exhibit B - Direct Testimony of Bernard Uffelman" et al.
5/3/2005	Edward W. O'Neill	0.1	9	Receive and review draft Data Request
5/3/2005	Edward W. O'Neill	0.3	8	Receive and review draft Felton FLOW Notice of Intent To Claim Intervenor Compensation, note points to discuss with T. Landis
5/4/2005	Edward W. O'Neill	0.1	8	E-mail to T. Landis re draft Notice of Intent to Claim Intervenor compensation
5/5/2005	Edward W. O'Neill	0.3	9	Discussion with T. Landis re additional discovery concerning Cal-Am's proposed replacement of meters and re further participation in proceeding, e-mail from ORA re Cal-Am violation of ex parte rules, e-mail to T. Landis and J. Mosher re matter
5/5/2005	Edward W. O'Neill	2.7	8	Call to T. Landis re draft Notice of Intent, revise draft Notice of Intent, finalize and file
5/5/2005	Judy Pau	0.6	8	Assist with filing and serving NOTICE OF INTENT TO CLAIM COMPENSATION OF THE FELTON FRIENDS OF LOCALLY OWNED WATER.
5/6/2005	Edward W. O'Neill	0.2	9	E-mail from and reply to L. Weiss re violation of ex parte rules by Cal-Am
5/9/2005	Edward W. O'Neill	0.5	8	INTERVENOR COMPENSATION Receive and review e-mail from CPUC Docket office requesting confirmation Felton FLOW's bylaws were previously filed with the Commission, et al, e-mail to J. Pau re follow up on confirmation, draft written response to request of CPUC Docket Office
5/9/2005	Edward W. O'Neill	0.3	9	Receive and preliminarily review discovery requests
5/9/2005	Edward W. O'Neill	0.1	8	Receive and review e-mail from Cal-Am requesting authorization to file response to Notices of Intent of Felton FLOW and Public Citizen

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**Felton Flow Compensation Request  
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Davis Wright Tremaine LLP  
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<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Cat.</b>	<b>Description</b>
5/10/2005	Edward W. O'Neill	0.2	8	Voicemail from M. Vengerova re Felton FLOW Notice of Intent, call to and discussion with J. Pau re follow-up on response to e-mail request from M. Vengerova (CPUC Docket) re additional information re compliance with CPUC requirements concerning Felton FLOW Notice of Intent filed 5/5/05
5/10/2005	Judy Pau	0.5	8	Discuss with CPUC docket clerk on filing bylaws to NOTICE OF INTENT TO CLAIM COMPENSATION OF THE FELTON FRIENDS OF LOCALLY OWNED WATER; submit statement referencing Felton bylaws to Docket Clerk.
5/11/2005	Edward W. O'Neill	0.1	8	Receive and review e-mail from J. Pau and M. Vengerova confirming Felton FLOW's compliance with CPUC filing requirements re Notice of Intent, e-mail to Felton FLOW re resolution of matter
5/13/2005	Edward W. O'Neill	0.1	9	E-mail to J. Mosher and T. Landis regarding preparation for evidentiary hearings, et al
6/1/2005	Edward W. O'Neill	0.5	9	Receive and review e-mail from L. Weiss re inadvertent disclosure of confidential information in data request response, receive and preliminarily review data request responses
6/7/2005	Edward W. O'Neill	0.5	9	Receive and preliminarily review data request responses
6/8/2005	Edward W. O'Neill	0.1	9	Call from J. Mosher re coordination for preparation of testimony
6/16/2005	Edward W. O'Neill	0.5	9	Call to J. Mosher and T. Landis, discussion re data request from Cal-Am to Felton FLOW, preparation for evidentiary hearings and issues to address in testimony
6/17/2005	Edward W. O'Neill	0.8	9	Conference call with J. Mosher and T. Landis re preparation of testimony for evidentiary hearings
6/23/2005	Edward W. O'Neill	0.1	9	Cal from L. Dalquist re discovery issues
6/29/2005	Edward W. O'Neill	3.5	9	Review and analysis in preparation for drafting testimony



# **APPENDIX A - SUMMARY OF PROFESSIONAL TIME**

## **Felton Flow Compensation Request**

**A.05-02-012, et al**

**Davis Wright Tremaine LLP**

**Totals by Attorneys by Hours**

<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Cat.</b>	<b>Description</b>
6/30/2005	Edward W. O'Neill	10.2	9	Receive and review draft testimony, revised draft testimony, call from and discussion with J. Mosher re revised draft testimony, e-mail revised draft testimony to J. Mosher and T. Landis for finalizing and service, e-mail from and reply to L. Dalqueist re Felton FLOW testimony
7/1/2005	Edward W. O'Neill	0.1	9	E-mail from and call to L. Dolqueist regarding Felton Flow testimony
7/6/2005	Edward W. O'Neill	0.3	3	Receive and review e-mail from J. Mosher regarding Data Request from Cal-Am requesting copy of document which may be confidential, reply to J. Mosher regarding matter
7/7/2005	Edward W. O'Neill	1.3	9	Call from L. Dolqueist regarding Cal-Am request for copy of document referred to as "Attachment 1" to Mosher testimony, review document at issue, call to and discussion with J. Mosher regarding matter, draft letter to L. Dolqueist regarding matter, draft letter to L. Dolqueist transmitting copy of document at issue and requesting Cal-Am review regarding possible confidentiality, e-mail to J. Mosher regarding matter, additional preparation for hearings
7/12/2005	Edward W. O'Neill	0.3	9	Voicemail from, call to and discussion with L. Dolqueist regarding Cal-Am request for extension to file Rebuttal testimony, Cal-Am review of potentially confidential document, et al, call to J. Mosher regarding matter, e-mail regarding evidentiary hearing and Felton FLOW witness availability
7/13/2005	Edward W. O'Neill	2.2	9	E-mail from J. Mosher regarding coordination for preparation of testimony and for hearings, review and assemble background documents and material for Felton FLOW witnesses, receive and review e-mail from ORA with Errata to testimony
7/14/2005	Edward W. O'Neill	2.7	9	Receive and review Cal-Am Rebuttal Testimony
7/18/2005	Edward W. O'Neill	0.5	7	Travel Travel to and return from CPUC for settlement meeting with parties

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**Felton Flow Compensation Request  
A.05-02-012, et al  
Davis Wright Tremaine LLP  
Totals by Attorneys by Hours**

<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Cat.</b>	<b>Description</b>
7/18/2005	Edward W. O'Neill	3.4	9	Additional review of Cal-Am Rebuttal Testimony, prepare for settlement meeting, attend settlement meeting with parties, discussion with ORA regarding issues concerning Felton District
7/19/2005	Edward W. O'Neill	3.2	2	Assemble additional background information and documents pertinent to Felton FLOW Testimony, e-mail with attached background documents to L. Meyer et al
7/20/2005	Edward W. O'Neill	4.7	9	Additional review of Cal-Am Rebuttal Testimony in preparation for hearings; letter to L. Meyer regarding background documents and preparation for evidentiary hearings, additional preparation for hearings the cost of capital issues; voicemail from T. Landis regarding matter
7/21/2005	Edward W. O'Neill	2.2	9	Additional review of testimony in preparation for hearing
7/22/2005	Edward W. O'Neill	0.9	9	Receive and review e-mail from L. Dolqueist regarding estimates of cross time and scheduling of witnesses, participate in conference call with parties regarding status of settlement negotiations between ORA and Cal-Am, remaining issues of hearing, cross estimates, order of witnesses and schedule, et al, additional preparation for hearing
7/25/2005	Edward W. O'Neill	5.5	9	Additional preparation for hearings, call from and discussion with J. Mosher regarding preparation for hearing, call from L. Dolqueist regarding status of settlement, schedule for hearing et al, voicemail from L. Weiss and L. Dolqueist regarding matter
7/26/2005	Edward W. O'Neill	3.8	9	Additional review of Cal-Am testimony, ORA testimony and ORA Errata in preparation for hearing, e-mails from and replies to J. Mosher and L. Meyer regarding matter, conference call with J. Mosher and L. Meyer regarding ORA/Cal-Am settlement, issues remaining, and strategy for evidentiary hearings, call to and discussion with L. Dolqueist regarding issues in dispute, order and scheduling of witnesses et al, status of documents referenced as Attachment 1 in J. Mosher testimony, et al

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**Felton Flow Compensation Request  
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Davis Wright Tremaine LLP  
Totals by Attorneys by Hours**

Date	Attorney	Hours	Cat.	Description
7/27/2005	Edward W. O'Neill	0.7	7	TRAVEL Travel to and return from CPUC for hearing in A.05-02-013 Cal-Am GRC Felton
7/27/2005	Edward W. O'Neill	7.2	9	Additional preparation for hearings, attend and participate in evidentiary hearings in A.05-02-013 Cal Am GRC Felton, cross examination of Cal-Am witness Stephenson, call to and discussion with J. Mosher regarding status of hearings and additional follow up required regarding CalTrans Highway 9 main replacement, results of election, et al
7/28/2005	Edward W. O'Neill	0.7	7	TRAVEL Travel to and return from CPUC for hearings in A.05-02-013 Cal-Am GRC Felton
7/28/2005	Edward W. O'Neill	9.0	9	Additional preparation for hearings, attend and participate in evidentiary hearings in A.05-02-013 Cal Am GRC Felton, cross examination of Cal-Am witness Tilden
7/29/2005	Edward W. O'Neill	0.7	7	TRAVEL Travel to and return from CPUC for hearings in A.05-02-013 Cal-Am GRC Felton
7/29/2005	Edward W. O'Neill	5.2	9	Additional preparation for hearings, prehearing meeting with J. Mosher and L. Meyer to prepare for hearings, attend and participate in evidentiary hearings in A.05-02-013 Cal-Am GRC Felton, testimony of J. Mosher and L. Meyer, cross examination of Cal-Am witnesses Zepp and Kemp
8/2/2005	Edward W. O'Neill	0.1	9	Voicemail from J. Mosher regarding coordination of further follow up regarding matter
8/3/2005	Edward W. O'Neill	0.1	9	Voicemail from, call to and discussion with J. Pau regarding status and request for copy of draft settlement between ORA and Cal-Am
8/3/2005	Judy Pau	0.1	9	Review emails on status of draft settlement report; followup regarding matter
8/4/2005	Judy Pau	0.3	9	Call CPUC/ORA on the procedural schedule of CalAM General Rate Case; check on status of final settlement agreement per E. O'Neill's request

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<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Cat.</b>	<b>Description</b>
8/4/2005	Edward W. O'Neill	0.1	9	Call from and discussion with J. Pau regarding status of further evidentiary hearings in Cal-Am GRC
8/5/2005	Edward W. O'Neill	0.3	9	Review draft ORA/Cal-Am settlement in GRC, receive and review emails from M. McCrary regarding status of and schedule for further hearings
8/8/2005	Edward W. O'Neill	0.1	9	E-mails from Cal-Am regarding additional exhibits superseding prior GRC exhibits, e-mail from M. McCrary regarding schedule for further evidentiary hearings in matter
8/9/2005	Edward W. O'Neill	3.8	4	Receive and review email from Cal-Am with additional Rebuttal Testimony of K. Cooper regarding Call Center, receive and reply to emails from M. McCrary regarding status of draft settlement agreement between ORA and Cal-Am and schedule for further evidentiary hearings, attend and participate in further evidentiary hearings regarding A.05-02-013 Cal-Am GRC, discussion status of draft ORA/Cal-Am settlement and schedule for filing motion for adoption and comments on settlement, cross examination regarding Cal-Am Call Center; conference call with J. Mueller, Supervisor M. Stone, J. Mosher and H. Fitzgerald regarding status of proceeding before CPUC and additional follow up with CPUC regarding matter
8/9/2005	Edward W. O'Neill	0.5	7	TRAVEL Travel to and return from CPUC for evidentiary hearings in A.05-02-013 Cal-Am GRC
8/10/2005	Edward W. O'Neill	0.2	9	Call from and discussion with J. Mosher regarding status of ORA/Cal-Am settlement agreement, points upon which Felton FLOW may wish to protest settlement and additional follow up required regarding matter
8/18/2005	Edward W. O'Neill	0.1	9	Receive and review additional emails regarding matter

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<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Cat.</b>	<b>Description</b>
8/19/2005	Edward W. O'Neill	3.3	3	Receive and review ORA/Cal-Am Settlement Agreement and attached Settlement Tables, receive and review hearing transcripts regarding Felton issues, receive and review email from J. Mosher regarding receipt of documents from CalTrans regarding Highway 9 main replacement project and Mosher analysis of documents, call to J. Mosher regarding preparation of motion to reopen record, call from Supervisor Stone's office regarding meetings with Commissioners regarding Felton issues
8/22/2005	Edward W. O'Neill	0.2	3	Discussion with J. Pau regarding follow up with CPUC regarding meetings with Commissioners and advisors, call to and discussion with J. Mosher regarding preparation of motion to reopen record for receipt of additional documentary information form CalTrans files regarding Highway 9 main replacement project, basis for motion and declaration required in support of motion, et al
8/23/2005	Edward W. O'Neill	3.1	3	Draft and file motion to reopen record for receipt of additional documentary information from CalTrans files regarding Highway 9 main replacement project, declaration in support of motion, et al
8/25/2005	Edward W. O'Neill	0.1	9	Call from M. McCrary regarding status of settlement in GRC docket, and settlement discussions regarding GRC and Consolidation docket to address rate shock (time prorated), call to J. Mosher regarding meetings with Commissioners and advisors, inquiry from M. McCrary regarding settlement
8/25/2005	Edward W. O'Neill	0.1	9	Call from M. McCrary regarding status of settlement in GRC docket, and settlement discussions regarding GRC and Consolidation docket to address rate shock (time prorated)
8/30/2005	Edward W. O'Neill	0.1	9	Discussion with J. Pau regarding meetings set with Commissioners advisors
8/31/2005	Edward W. O'Neill	0.4	9	Preparation for meetings with Commissioners advisors regarding issues

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<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Cat.</b>	<b>Description</b>
9/9/2005	Edward W. O'Neill	0.2	3	Call from L. Dolqueist (Cal-Am counsel) regarding Felton FLOW motion to reopen record regarding Highway 9 main replacement project and CalTrans documents
9/13/2005	Edward W. O'Neill	2.2	3	Receive and review Supplemental Rebuttal Testimony of Cal-Am regarding Highway 9 main replacement project and CalTrans documents, e-mail to J. Mosher et al regarding Cal-Am Supplemental Rebuttal and Ruling reopening record for additional testimony
9/15/2005	Edward W. O'Neill	1.6	3	Conference call with J. Mosher regarding preparation for additional evidentiary hearings regarding Highway 9 main replacement project and CalTrans documents, additional preparation for further evidentiary hearings, receive and review e-mail from Cal-Am with attached 2nd Errata to Settlement Agreement
9/16/2005	Edward W. O'Neill	0.6	7	TRAVEL Travel to and return from CPUC for additional evidentiary hearings regarding highway 9 main replacement project and CalTrans documents, testimony of J. Mosher et al
9/16/2005	Edward W. O'Neill	3.0	3	Meeting with J. Mosher in preparation for testimony, attend and participate in additional
9/20/2005	Edward W. O'Neill	5.0	9	Draft comments on ORA/Cal-Am Settlement Agreement, e-mail to J. Gray for finalizing and filing
9/21/2005	Jeffrey P. Gray	5.2	9	Revise and finalize comments on settlement agreement
9/21/2005	Judy Pau	6.5	9	Review, cite check, and file COMMENTS OF FELTON FRIENDS OF LOCALLY OWNED WATER ON SETTLEMENT AGREEMENT
9/22/2005	Edward W. O'Neill	0.1	9	Voicemail from, call to and voicemail reply to L. Dolqueist regarding proposed revision to schedule in GRC
9/23/2005	Edward W. O'Neill	0.1	9	Voicemail from L. Dolqueist regarding proposed revision to briefing schedule for GRC

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Totals by Attorneys by Hours**

<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Cat.</b>	<b>Description</b>
10/7/2005	Edward W. O'Neill	2.1	9	Review record in preparation for drafting Opening Brief
10/10/2005	Edward W. O'Neill	6.5	9	Review record in preparation for drafting opening brief, draft opening brief
10/11/2005	Edward W. O'Neill	6.5	9	Review record in preparation for drafting opening brief, draft and file opening brief
10/11/2005	Judy Pau	4.0	9	Assist with preparation and filing of OPENING BRIEF OF FELTON FRIENDS OF LOCALLY OWNED WATER
10/12/2005	Edward W. O'Neill	1.8	9	Receive and review Cal-Am opening brief and request for interim rate relief, note to file regarding issues to address in reply brief
10/18/2005	Edward W. O'Neill	6.9	9	Draft and file Reply Brief and opposition to Cal-Am request for interim rate increase, receive and review Cal-Am reply brief, e-mail to J. Mosher et al regarding reply briefs
10/18/2005	Judy Pau	0.5	9	Assist with preparation and filing of REPLY BRIEF OF FELTON FRIENDS OF LOCALLY OWNED WATER
10/19/2005	Edward W. O'Neill	2.5	2	Review reference in Cal-Am brief to recent information concerning financial markets that is not in the record, review additional information for potential motion to strike Cal-Am's reference to matter not in the record, or in the alternative to reopen the record for receipt of additional information concerning matter, e-mail to J. Mosher et al regarding matter
10/21/2005	Edward W. O'Neill	2.0	9	Receive and review e-mail from Cal-Am with attached "Separate and Conformed Settlement Agreements" between ORA and Cal-Am
10/21/2005	Edward W. O'Neill	1.8	2	Draft Motion to Strike Portions of Cal-Am Reply Brief or in the Alternative to Set Aside Submission and Reopen the Record for Receipt of Additional Information regarding financial market conditions
11/7/2005	Jeffrey P. Gray	2.1	8	Prepare records for equest for intervenor compensation

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**Felton Flow Compensation Request  
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Totals by Attorneys by Hours**

Date	Attorney	Hours	Cat.	Description
11/23/2005	Edward W. O'Neill	0.1	9	E-mail to J. Mosher et al regarding ALJ Proposed Decision on Cal-Am request for Interim Rate Increase
12/15/2005	Edward W. O'Neill	0.3	9	E-mail to J. Mosher regarding results of CPUC Business Meeting and approval of interim rate increase for Cal-Am
8/18/2006	Edward W. O'Neill	0.2	9	Receive and review ALJ Proposed Decision, less rate tables in pending GRC, e-mail to J. Mosher et al regarding Proposed Decision, call from Cal-Am counsel regarding request for agreement to extension of time for Cal-Am to file Comments on Proposed Decision
9/27/2006	Edward W. O'Neill	0.50	9	Receive and review e-mail from CPUC with Ruling Receive and review e-mail from CPUC with Ruling requesting assistance from Cal-Am and DRA to complete rate tables to Proposed Decision, and attached revised draft ALJ Proposed Decision
9/27/2006	Judy Pau	0.30	9	Research ALJ proposed and revised decision regarding opinion resolving general rate case per E. O'Neill's request
9/28/2006	Judy Pau	0.50	9	Assist with preparing ex parte meeting requests regarding General Rate Case proposed decision per E. O'Neill's request
10/3/2006	Judy Pau	0.20	9	Call from/to CPUC regarding ex parte meeting requests
10/6/2006	Edward W. O'Neill	0.30	6	Receive and review ALJ Proposed Decision in Cal-Am general rate case docket, encouraging resolution to resolve differences regarding public acquisition of Felton District through CPUC/alternative dispute resolution, call from J. Mosher regarding matter
10/16/2006	Judy Pau	0.20	9	Review and followup regarding Ex Parte regarding meeting Meetings
10/19/2006	Edward W. O'Neill	0.30	4	Receive and review Cal-Am compliance filing regarding responses to inquiries from customers at PPHs



**APPENDIX A - SUMMARY OF PROFESSIONAL TIME**

**Felton Flow Compensation Request  
A.05-02-012, et al  
Davis Wright Tremaine LLP  
Totals by Attorneys by Hours**

<b>Date</b>	<b>Attorney</b>	<b>Hours</b>	<b>Cat.</b>	<b>Description</b>
10/23/2006	Judy Pau	0.70	9	Assist with preparing and filing Ex Parte meeting Notices on meetings
10/23/2006	Edward W. O'Neill	0.40	9	Draft and file notices of ex parte communication for meetings with Commissioner's advisors regarding dockets Proposed Decision in A.05-12-012 et al
10/26/2006	Edward W. O'Neill	1.50	9	Call to J. Mosher re coordination for preparation of Comments on Proposed Decision in Cal-Am GRC, edit draft comments on Proposed Decision, discussion with C. Hilen regarding same
10/26/2006	Judy Pau	1.10	9	Assist with preparation of and filing Comments of Felton Friends on Proposed Decision Resolving General Rate Cases
10/26/2006	Christopher A. Hilen	5.50	9	Draft and file comments on proposed decision on Cal-Am general rate case
10/27/2006	Edward W. O'Neill	0.20	9	Receive and review Cal-Am Comments on Proposed Decision in GRC in preparation for preparing Reply Comments on behalf of Felton FLOW
10/30/2006	Edward W. O'Neill	0.10	9	Receive and review e-mail from ALJ with attached copies of rate tables provided by Water Division to ALJ in response to 8/16/06 Ruling
10/31/2006	Edward W. O'Neill	4.10	9	Review Cal-Am's Opening Comments on Proposed Decision in pending general rate case, note points to address in Reply Comments, discussion with C. Hilen re issues and coordination for preparing draft Reply Comments, draft Reply Comments, discussion with C. Hilen re finalizing and filing Reply Comments, receive and review Reply Comments of other parties, review CPUC Business Meeting Agenda for meeting of 11/9/06, note matter on Agenda as item 10, Consent Agenda
10/31/2006	Christopher A. Hilen	4.90	9	Draft and file reply comments on proposed decision in Cal-Am general rate case
11/2/2006	Edward W. O'Neill	0.10	9	Receive and review Cal-Am Notices of Ex Parte Communications with Commissioners advisors re Proposed Decision in GRC

**Felton Flow Compensation Request**  
**A.05-02-012, et al**  
**Davis Wright Tremaine LLP**  
**Totals by Attorneys by Hours**

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**APPENDIX B**

**ALLOCATION OF TIME BY ISSUE**

**APPENDIX B - ALLOCATION OF TIME BY ISSUE**

**Felton Flow Compensation Request**

**A.05-02-012 et al.**

**Summarizing Expenses**

**Davis Wright Tremaine LLP**

**Totals by Category**

**Category 1 – Cal-Am/ORR Settlement**

<b>Professional</b>	<b>Year</b>	<b>Class</b>	<b>Hours Worked</b>	<b>Rate Billed</b>	<b>Billed Total</b>
O'Neill, E.	2005	Attorney	10.54	\$470.00	\$4,953.80
	2006		0.75	\$485.00	\$363.75
Gray, Jeff	2005	Attorney	0.52	\$310.00	\$161.20
	2006		0.00	\$320.00	\$0.00
Hilen, C.	2005	Attorney	0.00	\$315.00	\$0.00
	2006		1.02	\$325.00	\$331.50
Pau, J.	2005	Paralegal	1.30	\$145.00	\$188.50
	2006		0.30	\$150.00	\$45.00
		<b>SubTotals</b>	<b>14.43</b>		<b>\$6,043.75</b>

**Category 2 – Cost of Capital**

<b>Professional</b>	<b>Year</b>	<b>Class</b>	<b>Hours Worked</b>	<b>Rate Billed</b>	<b>Billed Total</b>
O'Neill, E.	2005	Attorney	23.31	\$470.00	\$10,955.70
	2006		1.13	\$485.00	\$548.05
Gray, Jeff	2005	Attorney	0.78	\$310.00	\$241.80
	2006		0.00	\$320.00	\$0.00
Hilen, C.	2005	Attorney	0.00	\$315.00	\$0.00
	2006		1.53	\$325.00	\$497.25
Pau, J.	2005	Paralegal	1.95	\$145.00	\$282.75
	2006		0.45	\$150.00	\$67.50
		<b>SubTotals</b>	<b>25.22</b>		<b>\$11,745.55</b>

**Category 3 – O&M, A&G, General Office Expenses**

<b>Professional</b>	<b>Year</b>	<b>Class</b>	<b>Hours Worked</b>	<b>Rate Billed</b>	<b>Billed Total</b>
O'Neill, E.	2005	Attorney	42.42	\$470.00	\$19,937.40
	2006		2.25	\$485.00	\$1,091.25
Gray, Jeff	2005	Attorney	1.56	\$310.00	\$483.60
	2006		0.00	\$320.00	\$0.00
Hilen, C.	2005	Attorney	0.00	\$315.00	\$1,228.50
	2006		3.60	\$325.00	\$1,170.00
Pau, J.	2005	Paralegal	3.90	\$145.00	\$565.50
	2006		0.90	\$150.00	\$135.00
		<b>SubTotals</b>	<b>54.63</b>		<b>\$24,611.25</b>

**APPENDIX B - ALLOCATION OF TIME BY ISSUE**

**Felton Flow Compensation Request  
A.05-02-012 et al.  
Summarizing Expenses  
Davis Wright Tremaine LLP  
Totals by Category**

**Category 4 – Customer Service**

<b>Professional</b>		<b>Class</b>	<b>Hours Worked</b>	<b>Rate Billed</b>	<b>Billed Total</b>
O'Neill, E.	2005	Attorney	24.88	\$470.00	\$11,693.60
	2006		1.50	\$485.00	\$727.50
Gray, Jeff	2005	Attorney	1.04	\$310.00	\$322.40
	2006		0.00	\$320.00	\$0.00
Hilen, C.	2005	Attorney	0.00	\$315.00	\$819.00
	2006		2.04	\$325.00	\$663.00
Pau, J.	2005	Paralegal	2.60	\$145.00	\$377.00
	2006		0.60	\$150.00	\$90.00
		<b>SubTotals</b>	<b>32.66</b>		<b>\$14,692.50</b>

**Category 5 – Rate Shock**

<b>Professional</b>		<b>Class</b>	<b>Hours Worked</b>	<b>Rate Billed</b>	<b>Billed Total</b>
O'Neill, E.	2005	Attorney	10.54	\$470.00	\$4,953.80
	2006		0.75	\$485.00	\$363.75
Gray, Jeff	2005	Attorney	0.52	\$310.00	\$161.20
	2006		0.00	\$320.00	\$0.00
Hilen, C.	2005	Attorney	0.00	\$315.00	\$409.50
	2006		1.02	\$325.00	\$331.50
Pau, J.	2005	Paralegal	1.30	\$145.00	\$188.50
	2006		0.30	\$150.00	\$45.00
		<b>SubTotals</b>	<b>14.43</b>		<b>\$6,453.25</b>

**Category 6 – Public Acquisition**

<b>Professional</b>		<b>Class</b>	<b>Hours Worked</b>	<b>Rate Billed</b>	<b>Billed Total</b>
O'Neill, E.	2005	Attorney	15.81	\$470.00	\$7,430.70
	2006		1.13	\$485.00	\$548.05
Gray, Jeff	2005	Attorney	0.78	\$310.00	\$241.80
	2006		0.00	\$320.00	\$0.00
Hilen, C.	2005	Attorney	0.00	\$315.00	\$614.25
	2006		1.53	\$325.00	\$497.25
Pau, J.	2005	Paralegal	1.95	\$145.00	\$282.75
	2006		0.45	\$150.00	\$67.50
		<b>SubTotals</b>	<b>21.65</b>		<b>\$9,682.30</b>

**APPENDIX B - ALLOCATION OF TIME BY ISSUE**

**Felton Flow Compensation Request**

**A.05-02-012 et al.**

**Summarizing Expenses**

**Davis Wright Tremaine LLP**

**Totals by Category**

**Category 7 – Travel**

<b>Professional</b>		<b>Class</b>	<b>Hours Worked</b>	<b>Rate Billed</b>	<b>Billed Total</b>
O'Neill, E.	2005	Attorney	3.4	\$235.00	\$799.00
	2006		0.00	\$242.00	\$0.00
Gray, Jeff	2005	Attorney	0.00	\$155.00	\$0.00
	2006		0.00	\$160.00	\$0.00
Hilen, C.	2005	Attorney	0.00	\$157.00	\$0.00
	2006		0.00	\$162.00	\$0.00
Pau, J.	2005	Paralegal	0.00	\$122.00	\$0.00
	2006		0.00	\$125.00	\$0.00
		<b>SubTotals</b>	<b>3.40</b>		<b>\$799.00</b>

**Category 8 – Intervenor Compensation**

<b>Professional</b>		<b>Class</b>	<b>Hours Worked</b>	<b>Rate Billed</b>	<b>Billed Total</b>
O'Neill, E.	2005	Attorney	4.00	\$235.00	\$940.00
	2006		24.00	\$242.00	\$5,808.00
Gray, Jeff	2005	Attorney	0.00	\$155.00	\$0.00
	2006		0.00	\$160.00	\$0.00
Hilen, C.	2005	Attorney	0.00	\$157.00	\$0.00
	2006		0.00	\$162.00	\$0.00
Pau, J.	2005	Paralegal	0.00	\$122.00	\$0.00
	2006		0.00	\$125.00	\$0.00
		<b>SubTotals</b>	<b>28.00</b>		<b>\$6,748.00</b>

<b>Total all Cats.:</b>	<b>Total Hours</b>	<b>194.42</b>	<b>Total Billed</b>	<b>\$80,775.60</b>
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<b>50% Voluntary Reduction for Cat. 4</b>		-16.33		-\$7,346.25
<b>50% Voluntary Reduction for Cat. 6</b>		-10.83		-\$4,841.15
<b>Total Request for Professional Fees</b>	<b>Total Hours</b>	<b>167.26</b>	<b>Amount</b>	<b>\$68,588.20</b>

## **APPENDIX C**

### **COSTS**

## APPENDIX C - COSTS

### Felton Flow Compensation Request A.05-02-012 et al. Davis Wright Tremaine LLP Summarizing Expenses

Date	Rate	Amount	Description
9/7/2005	\$19.00	\$19.00	Travel expense - - EDWARD W. O'NEILL - 08/09
			Cab fares to and from the CPUC per E. O'Neill
10/18/2005	\$0.15	\$27.75	Photocopy charge per Christina Karo
10/25/2005	\$0.15	\$30.00	Photocopy charge per Christina Karo
11/17/2005	\$85.00	\$85.00	Filing fee - - SPECIALIZED LEGAL SERVICES -
			10/11/05 Filing to CPUC per J. Pau
			SPECIALIZED LEGAL SERVICES Balance= .00 Amount=
11/17/2005	\$50.00	\$50.00	Filing fee - - SPECIALIZED LEGAL SERVICES -
			10/25/05 Filing to CPUC per J. Pau
			SPECIALIZED LEGAL SERVICES
12/30/2005	\$70.00	\$70.00	Filing fee - - SPECIALIZED LEGAL SERVICES -
			11/7/05 Filing to CPUC per J. Pau
			Vendor=SPECIALIZED LEGAL SERVICES Balance= .00 Amount=
1/17/2006	\$25.00	\$25.00	Filing fee - - SPECIALIZED LEGAL SERVICES -
			12/15/05 Filing to CPUC per C. Karo
			Vendor=SPECIALIZED LEGAL SERVICES Balance= .00 Amount=
TOTAL		\$306.75	



**CERTIFICATE OF SERVICE**

I, Judy Pau, certify:

I am employed in the City and County of San Francisco, California, am over eighteen years of age and am not a party to the within entitled cause. My business address is 505 Montgomery Street, Suite 800, San Francisco, California 94111.

On January 29, 2007, I caused the following to be served:

**REQUEST OF THE  
FELTON FRIENDS OF LOCALLY OWNED WATER  
FOR AWARD OF INTERVENOR COMPENSATION**

via electronic mail to all parties on the attached service list of A.05-02-012/A.05-02-013 who have provided the Commission with an electronic mail address and by First class mail on the parties listed as "Appearance" and "State Service" who have not provided an electronic mail address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on the date above at San Francisco, California.

/s/ Judy Pau  
Judy Pau

cc: Commissioner John A. Bohn  
ALJ Christine Walwyn

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**Last Update on 11-OCT-2006 by: LIL  
A0502012 LIST  
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A0502012 LIST

A0502013

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